

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 15, 2005

DIVISION THREE

B167528 King & Ferlauto, et al. (Not for Publication)
 v.
 Clark

The judgment is reversed. The action is remanded to the trial court for a new trial solely on the issue of plaintiffs' damages. However, in the event that plaintiffs file a written statement pursuant to California Rules of Court, rule 24(d), in which plaintiffs agree to a decrease in damages to \$36,029.13, plus pre and post-judgment interest, then this court orders the judgment to be modified to reflect the agreed decrease in damages, and as so modified, affirms the judgment. Pre and post-judgment interest will be determined on remand. The trial court's award to plaintiffs of attorney fees and costs is affirmed. Each party to bear its own costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

April 15, 2005 (Continued)

DIVISION THREE (Continued)

B180613 Merck & Co., Inc. (Not for Publication)
v.
Superior Court, Los Angeles County (Diane Adair, et al., r.p.i.)

Let a peremptory writ of mandate issue in the first instance directing the respondent court to: (1) vacate the order, entered January 14, 2004, striking Merck's statement of disqualification; (2) accept the statement of disqualification as establishing, on its face, a factual basis that would make a person aware of the facts and circumstances of the matter doubt Judge Lichtman's ability to be impartial (170.1, subd. (a)(6)(C)); and (3) arrange for transfer of the coordinated cases to a different judicial officer. No costs are awarded in this proceeding.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B174704 People v. Hypolite

Filed order denying petition for rehearing.

DIVISION FIVE

B175770 Milton Kramer (Not for Publication)
v.
Warren D. Kramer

The order under review is affirmed. Warren Kramer, as the executor of the estate of Harold Kramer, shall recover his costs incurred on appeal from plaintiff, Milton Kramer.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J. (Assigned)

April 15, 2005 (Continued)

DIVISION SIX

B168043 People
 v.
 Moore

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B176424 DCFS v. Shemica H.
B176518 DCFS v. Eric D.
B178614 DCFS v. Richele G.
B180527 Alfred G. v. SCLA

Argument waived, cause submitted.

B174408 Toring
 v.
 California Insurance Guarantee Association

Merits:
Argued by Steven Zelig for appellant and by Frederick Hall for respondent.
Cause submitted.

B174412 Berger
 v.
 California Insurance Guarantee Association

Merits:
Argued by Steven Zelig for appellant and by Frederick Hall for respondent.
Cause submitted.

DIVISION SEVEN (Continued)

B173605 Ghawi
 v.
 Hajjaoui

Merits:
Argued by George Ghawi appellant in propria persona and by Jamal Karmy for respondent. Cause submitted.

B172697 Zanchelli
 v.
 Pacific Design Center

Merits:
Argued by Mervyn Wolf for appellant and no appearance for respondent. Cause submitted.

B174504 H.K. Supermarket
 v.
 Magteec Investment Co.

Merits:
Argued by Winfield Wilson for appellant and by John Chang for respondent. Cause submitted.

B173755 Badroos
 v.
 Kensington Caterers, Inc.

Merits:
Argued by Mindy Bish for appellant and by Randall Brownwood for respondent. Cause submitted.

April 15, 2005 (Continued)

DIVISION SEVEN (Continued)

B174139 Cobrae
 v.
 Cobrae

Merits:

Argued by Douglas Draper for appellant and by Larry Wasserman and Dale Sare for respondents. Cause submitted.

B167017 General Casualty et al.
B167540 v.
B167541 Workers Compensation Appeals Board
B167542 California Insurance Guarantee Association, Respondent

Merits:

Argued by Douglas Benedon, Mark Bonino, Robert Buch and G. Andrew Lundberg for petitioners and by Richard Guilford for real party in interest. Cause submitted.

Court recessed at 12:07 p.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B168459 Itzhaki v. Ozeri
B174556 Campbell v. Simmonds

Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B171406 Riviera Finance, Inc.,
 v.
 Elizabeth Acres et al.,

Merits:
Argued by William Thomlinson for appellant and by Debra Healy for respondent. Cause submitted.

B175399 Pignatelli
 v.
 Delta Airlines, Inc.,

Merits:
Argued by Edmund Towle for appellant and by John Hanson for respondent. Cause submitted.

B177967 Cardelucci
 v.
 Hartford Casualty Insurance

Merits:
Argued by Steven Murray for appellant and by Philip Smith for respondent. Cause submitted.

Woods, J. leaves the bench.

B176989 Blomberg
B176992 v.
 U.S. Bank

Merits:
Argued by Kenneth Glazier for appellants and by Elizabeth Chilton for respondent. Cause submitted.

Court adjourned.